

## **II. REMARKS**

Claims 17-24 and 26-41 are pending in this application. By this Amendment, claim 40 is amended. Support for the amendments is contained throughout the specification as filed and in the originally filed claims. See, for example, page 11, first full paragraph. No new matter is added.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims and (d) places the application in better form for appeal, should an appeal be necessary. Entry of the Amendment is thus respectfully requested.

This response is filed within the shortened statutory period for response, no fee due, and is accompanied by a Terminal Disclaimer under 37 C.F.R. § 1.321(b) and a check for the required fee under 37 C.F.R. § 1.20(d). The applicants respectfully request reconsideration and allowance of the present application.

Claim 40 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. This rejection is traversed.

Applicants submit that this rejection is overcome by the above amendments to claim 40, which were made in order to expedite prosecution. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 40 under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Claims 17, 32-38, 40, and 41 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Visca *et al.* (U.S. Pat. No. 6,579,835). The applicants submit a Terminal Disclaimer rendering this rejection moot. Therefore the applicants respectfully request withdrawal of this rejection.

Claims 18-24, 26-31 and 39 were objected to as being dependent upon a rejected base claim. Applicants note that claims 18-24, 26-31 and 39 depend from claims 17 and 38. As such, Applicants respectfully submit that this objection has been rendered moot, as the attached Terminal Disclaimer overcomes the double patenting rejection of claims 17, 32-38 and 40-41.

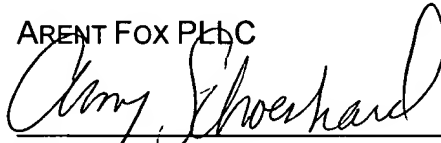
### **III. CONCLUSION**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of claims 17-24 and 26-41, and the prompt issuance of a Notice of Allowability are respectfully solicited. If this application is not in condition for allowance, the Examiner is requested to contact the undersigned at the telephone listed below.

In the event that this response is not timely filed, the applicants hereby petition for an appropriate extension of time. The fee for this extension, along with any additional fees that are required with respect to this response, may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. **108910-00009**.

Respectfully submitted,

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Enclosure: Terminal Disclaimer